

DOCKET NO.: CP247 (CEPF-0006)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Neckebroek, et al.

Confirmation No.: 8401

Application No.: 10/539,918

Group Art Unit: 1621

Filing Date: February 17, 2006

Examiner: Kumar, Shailendra

For: **Process For the Preparation of and Crystalline Forms of Optical Enantiomers of Modafinil**

7-27-06, 2006

I certify that this paper is being hand-carried to the United States Patent and Trademark Office on the date indicated above.

Name: 

**AMENDMENT, REQUEST AND PROCESSING FEE TO ADD AND DELETE
NAMES OF INVENTOR(S) OF INVENTION ORIGINALLY DISCLOSED AND
NOW BEING CLAIMED (37 CFR §§ 1.48 (b) and (c))
- NONPROVISIONAL APPLICATION -**

1. This amendment and request under 37 CFR §§ 1.48 (b) and (c) is to correct the names of the inventors of the invention now being claimed:

Please add the following inventor: **Pierre LeProust**

Please delete the following inventors: **Laurent Courvoisier**

Stephanie Graf

Gilles Serrure

Gerard Coquerel

Sebastien Rose

Christine Besselievre

Adriaan Jan Van Langevelde

Claim(s) now on File

The claim(s) in this application is/are as follows:

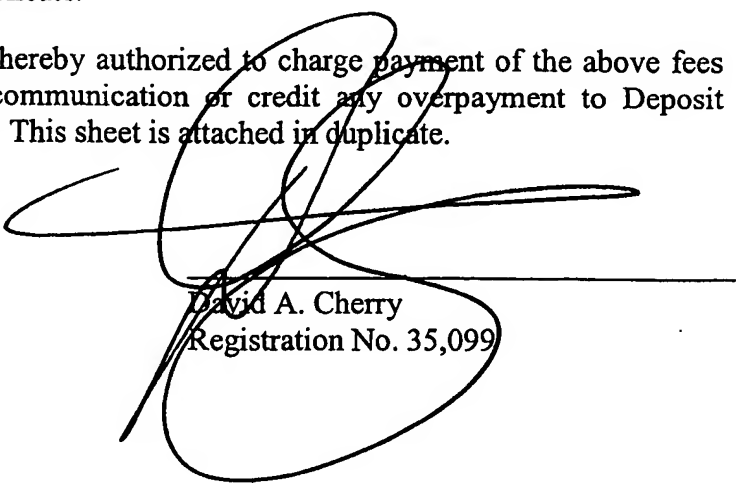
☒ claim(s) 78-83 filed on June 8, 2006

- ☒ claim(s) 84-87 filed on June 8, 2006, as amended on July 14, 2006.
2. Statement From Each Person Being Added As Inventor (37 CFR § 1.48(c)(1))
- ☒ Attached is a statement from each person being added as an inventor that the amendment is necessitated by amendment of the claims and that the inventorship occurred without deceptive intent on his or her part.
3. Declaration (37 CFR § 1.48(c)(2))
- ☒ Attached is declaration by the actual inventor or inventors as required by § 1.63 (or as permitted by §§ 1.42, 1.43 or 1.47). (1 copy executed by remaining original inventor Olivier Neckebroek and 1 copy executed by added inventor Pierre LeProust).
4. Assent of Assignment of Any Originally Named Inventor(s) (37 CFR § 1.48(c)(4))
- ☒ Attached is the written consent of the assignee of the originally named inventor(s).
5. Other:
- ☒ Attached is an Updated Application Data Sheet.
6. Processing Fee (37 CFR § 1.17(i))

The processing fee required is paid as follows:

- ☐ A check in the amount of \$130.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of \$260.00. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Date: July 25, 2006


David A. Cherry
Registration No. 35,099

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: **Kumar, Shailendra**

For: **Process For the Preparation of and Crystalline Forms of Optical Enantiomers of Modafinil**

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is directed to:

- ☐ The attached application,
- ☒ Application No. **10/539,918**, filed on June 16, 2005, as amended on June 8, 2006 and July 14, 2006. (if applicable);
- ☒ was described and claimed in PCT International Application Number **PCT/FR03/03799**, filed on **18 December 2003** and as amended under PCT Article 19 on and/or PCT Article 34 on .

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the above-captioned application.

I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby appoint all the practitioners associated with Customer Number **46347** to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. Each practitioner associated with Customer Number **46347** is an attorney or agent registered before the United States Patent and Trademark Office.

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PATENT

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 1

Olivier

(Given Name)

(Middle Initial or Name)

NECKEBROCK

(Family or last name)

City/State of Actual Residence: Pontault Combault, France

Mailing Address:

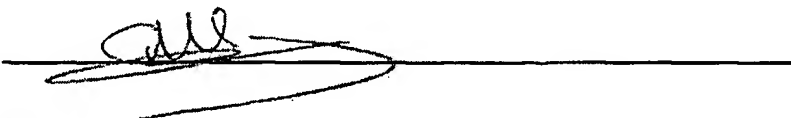
(include street address, city, state,
and zip code)

13, rue du Rhinocéros Blanc

Pontault Combault France 77340

Country of Citizenship: France

Inventor's signature:



Date: 25th July, 2006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 2

Pierre

(Given Name)

(Middle Initial or Name)

LEPROUST

(Family or last name)

City/State of Actual Residence: Créteil, France

Mailing Address:

(include street address, city, state,
and zip code)

35 bis rue Juliette Savar

Créteil, France

Country of Citizenship: France

Inventor's signature: _____

Date: _____

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Examiner: **Kumar, Shailendra**

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Full Name of Inventor # 1

Olivier

(Given Name)

(Middle Initial or Name)

NECKEBROCK

(Family or last name)

City/State of Actual Residence: Pontault Combault, France

Mailing Address:

(Include street address, city, state,
and zip code)

13, rue du Rhinocéros Blanc

Pontault Combault France 77340

Country of Citizenship: France

Inventor's signature: _____

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(Given Name)

(Middle Initial or Name)

LEPROUST

(Family or last name)

City/State of Actual Residence: Créteil, France

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2-27, 2006

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Name:

Assistant Commissioner for Patents
Washington, DC 20231

**STATEMENT IN SUPPORT OF PETITION TO
CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(c)**

I, Pierre LeProust, state that:

1. An error in inventorship exists in the above-identified patent application.
2. The error arose because the above-identified application, for which I was not originally named as an inventor has been amended to claim subject matter of which I am an inventor.
3. I understand that, to correct this error, I am being added as an inventor.
4. I understand that the correction of inventorship is necessitated by amendment of the claims directed to the subject matter of which I am an inventor.
5. This error in inventorship occurred without deceptive intention on my part.

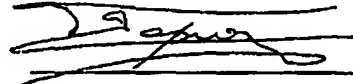
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

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States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this statement is directed.

Date: 25 July 2006



PIERRE LEPROUST

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7-27, 2006

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Name: 

Assistant Commissioner for Patents
Washington, DC 20231

**CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP
IN PATENT APPLICATION PURSUANT TO 1.48 (c)**

CEPHALON FRANCE and ORGANISATION DE SYNTHÈSE MONDIALE
ORSYMONDE, joint owners by assignment of the above patent application

☒ in the assignment recorded in the PTO on **February 7, 2006**.

Frame **017132 Reel 0061**

hereby consents to the amendment of the inventorship of this patent application as requested

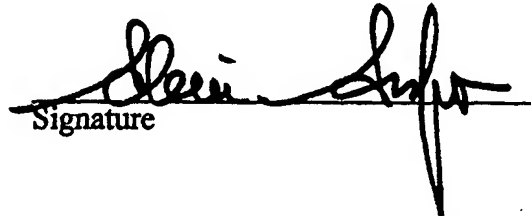
☒ in the Request For Correction Of Inventorship Of Patent Application

DOCKET NO.: CP247 (CEPF-0006) - 2 -

PATENT

The undersigned, being authorized to act on behalf of the **CEPHALON FRANCE** for patent matters, hereby consents.

Date July 25, 2006



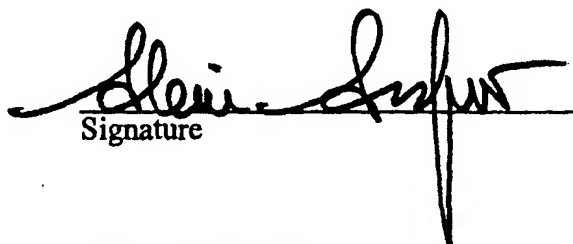
Signature

Alain ARAGUES
Name of Signatory

Président
Title

The undersigned, being authorized to act on behalf of **ORGANISATION DE SYNTHESE MONDIALE ORSYMONDE**, for patent matters, hereby consents.

Date July 25, 2006

A handwritten signature in black ink, appearing to read 'Alain Aragues', written over a horizontal line.

Signature

Alain ARAGUES

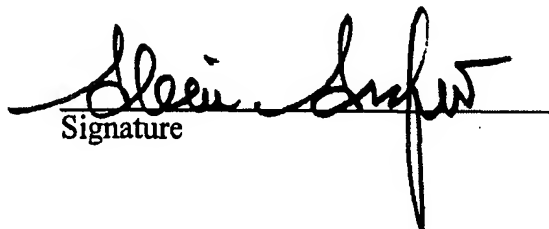
Name of Signatory

Président

Title

The undersigned, being authorized to act on behalf of the **CEPHALON FRANCE** for patent matters, hereby consents.

Date July 25, 2006



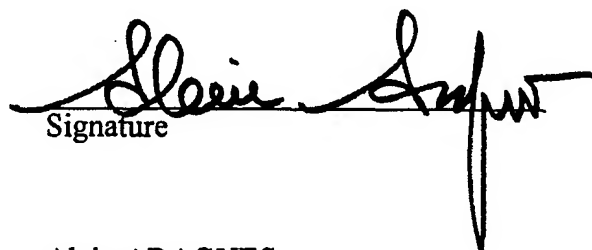
Signature

Alain ARAGUES
Name of Signatory

Président
Title

The undersigned, being authorized to act on behalf of **ORGANISATION DE SYNTHÈSE MONDIALE ORSYMONDE**, for patent matters, hereby consents.

Date July 25, 2006



Signature

Alain ARAGUES
Name of Signatory

Président
Title